

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : S. Charbit et al.
Serial No. : 09/768816
Filed : 1/23/01
For : TREATMENT OF PATHOLOGICAL
CONDITIONS CHARACTERIZED
BY AN INCREASED IL-1 LEVEL
Attorney :
Docket No. : H7708-0002
Examiner : Mojdeh Bahar
Art Unit : 1617



RECEIVED
SEP 19 2002
TECH CENTER 1600/2900

#13
K. H. H. H.
9/23/02

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed May 7, 2002 (Paper No. 11), Applicants submit the Remarks below, under the provisions of 37 CFR §1.111.

STATUS OF THE CLAIMS

Claims 1-14 were rejected provisionally under the judicially-created doctrine of obviousness-type double patenting over claims 1-10 of co-pending Application No. 09/663528. Claims 1-14 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Martel-Pelletier et al. in view of Marcolongo et al. and a statement from page 1 of Applicants' specification. Claim 3, as amended by Applicants' March 9, 2001 Preliminary Amendment, was rejected for not complying with the written description requirement of 35 U.S.C. §112, ¶1. The related Preliminary Amendment to the specification was objected to as new matter under 35